

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

REESE L. SMITH,)	
)	
Plaintiff,)	
)	
v.)	No. 3:09-0205
)	Judge Echols
CITY OF NASHVILLE, <i>et al.</i>,)	
)	
Defendants.)	

ORDER

The Magistrate Judge has entered a Report and Recommendation (“R & R”) (Docket Entry No. 61) recommending that the claims against the remaining five Defendants in this case be dismissed without prejudice because Plaintiff has failed to effect service as to those Defendants within 120 days after filing the Complaint as required by Rule 4(m) of the Federal Rules of Civil Procedure. *Pro se* Plaintiff has filed no objections to the R & R, despite being apprised of his opportunity to do so (Docket Entry No. 61 at 3).

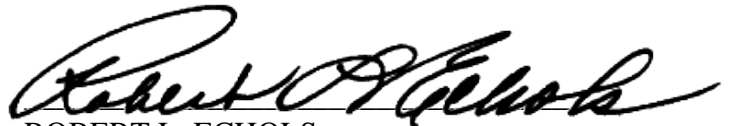
The record reflects that on November 18, 2009, the Magistrate Judge entered an Order (Docket Entry No. 57) which required Plaintiff to file a written statement showing good cause for his failure to effect service against several of the Defendants in this case. Plaintiff filed a response to that Order in which he basically asserted that there were no rules which required that each individual needed to be served (Docket Entry No. 60). In the R & R, the Magistrate Judge observed that Plaintiff incorrectly read the rules and concluded that Plaintiff did not issue summons, let alone properly serve, Defendants Tammy Meade, Matthew Stephens, Deborah Housel, Amy Eisenbeck and the City of Nashville.

Having conducted a *de novo* review of the matter as required by Fed. R. Civ. P. 72, the Court finds that the Magistrate Judge was correct in determining Plaintiff failed to effect service as required by Fed. R. Civ. P. 4(m) with respect to Defendants Meade, Stephens, Housel, Eisenbeck and the City of Nashville. Accordingly, the Court rules as follows:

- (1) The R & R (Docket Entry No. 61) is hereby ACCEPTED and APPROVED;
- (2) The claims against Defendants Tammy Meade, Matthew Stephens, Deborah Housel, Amy Eisenbeck and City of Nashville are hereby DISMISSED WITHOUT PREJUDICE; and
- (3) This case is hereby DISMISSED because the claims against all named Defendants have been dismissed, either with or without prejudice.

Entry of this Order on the docket shall constitute entry of a final judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a).

It is so ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written in a cursive style.

ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE